

ARTICLE APPEARED
ON PAGE 10-ABALTIMORE SUN
25 February 1987

Gates is expected to face further questions on Iran

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WASHINGTON — There are "serious questions" about the role of Robert M. Gates, now the acting CIA director, in the Iran-contra affair that could delay Senate action on his nomination as director of central intelligence, an influential Senate Democrat said yesterday.

Sen. Sam Nunn, D-Ga., who is a member of the Senate Select Committee on Intelligence that is reviewing the Gates nomination and who is also a member of a Senate special inquiry panel probing the Iran-contra operation, said that the two days of public testimony by Mr. Gates last week were not enough to resolve lingering doubts about the nominee and his actions in the Iran-contra controversy.

"I think there are a number of serious questions out there on Gates," Mr. Nunn said, adding that some of Mr. Gates' answers before the intelligence panel "gave me real pause" about the nominee.

"I think we definitely will" need more sessions with Mr. Gates to resolve the questions, Mr. Nunn said, including another public hearing, before the panel acts on the nomination.

Committee leaders have already planned to hold at least one private session with Mr. Gates in the next few weeks and have suggested that another public hearing was a possibility, especially if the forthcoming

Tower commission report to be issued tomorrow discloses any new damaging information about Mr. Gates.

A key concern, Mr. Nunn said, is why "nothing was done" with information obtained by Mr. Gates and other CIA officials about a suspected diversion of Iranian arms sale funds to the Nicaraguan contras. In contrast, Mr. Nunn said, Attorney General Edwin W. Meese III ordered an investigation "on a crash basis" when he "had less information overall than the CIA" about a diversion.

Mr. Gates has testified that he and then-CIA Director William J. Casey took their suspicions of a diversion to Vice Adm. John M. Poindexter, then the president's national

security adviser, and urged him to order an inquiry by the White House counsel but did not take their suspicions further.

Mr. Nunn said he was "not leaning one way or the other" on how he would vote on the nomination of Mr. Gates. But the concerns expressed by Mr. Nunn, as well as questions and comments by several other committee members during and after the hearings, indicate that the nomination is due for a longer-than-anticipated review process and may be in trouble.

Meanwhile, members of House and Senate special inquiry panels probing the Iran-contra operation said yesterday that limited immunity for several witnesses, which will be discussed in separate meetings tomorrow, would not impede a special

prosecutor's probe of possible criminal wrongdoing.

Representative Lee Hamilton, D-Ind., chairman of the House inquiry panel — whose members met yesterday in separate Democratic and Republican caucuses — said that his committee would vote tomorrow on grants of immunity to "several" people and that lawmakers were "consulting with the special counsel at every stage" of the process.

"So far as I know," Mr. Hamilton said, Lawrence E. Walsh, the special prosecutor, or independent counsel, "will not object to" the grants of immunity that are being considered at this stage. Mr. Hamilton refused to identify which potential witnesses would be granted immunity.

Other committee members indicated that the grants of immunity — which would be limited "use" immunity barring criminal prosecution solely on the basis of testimony before a congressional panel — would be aimed at low-ranking aides. A congressional source confirmed that one name on the immunity grant list was Fawn Hall, a former secretary to Lt. Col. Oliver L. North at the National Security Council.

Any grant of immunity to major witnesses in all the investigations, former presidential aide Robert C. McFarlane, was resting at home after checking out of Bethesda Naval Hospital, where he was treated following a drug overdose, the Associated Press said yesterday.

This week, "I would expect we'd

be talking of immunity for a whole range of people, not necessarily the big three everybody has been talking about," said Sen. Warren B. Rudman, R-N.H., the vice chairman of the Senate panel.

Mr. Rudman said that by the time even the first group of witnesses formally receives immunity from the congressional panels, "the special prosecutor will have had four months to put together his case" and that therefore any grants of immunity for testimony on Capitol Hill would not interfere with any future criminal prosecution.

Meanwhile, congressional investigators expect that the Tower panel's report will offer them new avenues of inquiry.

"I hope it will sort of lay out a road map in terms of where we need to go," said Representative Richard B. Cheney, R-Wyo., the senior GOP member of the House panel.

"We're not going to reinvent the wheel," Mr. Rudman said, noting that the Tower panel's complete file of documents would be turned over to the Senate committee and that the three members of the commission may meet with Senate investigators to discuss their findings.

Meanwhile, one of the key witnesses in all the investigations, former presidential aide Robert C. McFarlane, was resting at home after checking out of Bethesda Naval Hospital, where he was treated following a drug overdose, the Associated Press said yesterday.